

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MANDI HAYDEN, ,
Plaintiff,
v.

No. C 05-1785 NJV
PRETRIAL ORDER

REDWOODS COMMUNITY COLLEGE
DISTRICT, dba COLLEGE OF THE
REDWOODS, and DOES ONE TO
FIFTY, inclusive,
Defendant.

_____/

Pursuant to Fed. R. Civ. P. 16 and Civ. L.R. 16-10(b), the following pretrial order is entered:

1. TRIAL DATE:

a. Jury trial will begin on October 16, 2006 at 9:30 a.m. in Courtroom 205A, 2nd Floor, 514 H Street, Eureka, CA 95501.

b. The length of the trial will be no more than seven full court days.

2. DISCOVERY

a. Experts shall be disclosed by June 14, 2006.

b. All discovery from experts shall be completed by July 19, 2006.

c. All non-expert discovery shall be completed by May 10, 2006.

d. In the event of a discovery dispute the parties shall use the following procedure:

Parties shall meet and confer in person, or, if counsel are located outside the Eureka

area, by telephone, to attempt to resolve their dispute informally. A mere exchange of letters, telephone calls, or facsimile transmissions does not satisfy the requirement to meet and confer.

If, after a good faith effort, the parties have not resolved their dispute, they shall prepare a concise joint statement of less than three pages, without affidavits or exhibits, stating the nature and status of their dispute. If a joint statement is not possible, each side may submit a one-page individual statement. The court will advise the parties regarding the need, if any, for formal briefing or a hearing.

3. MOTION FOR SUMMARY JUDGMENT

Motion for summary judgment shall be served and filed on or before July 7, 2006. Any opposition shall be served and filed on or before July 24, 2006. Any reply to the opposition shall be served and filed on or before July 31, 2006. Prior to a dispositive motion, the parties shall meet and confer and, at the time the motion is filed, submit a joint statement of undisputed facts.

4. PRETRIAL CONFERENCE

a. A final pretrial conference shall be held on August 15, 2006 at 2:00 p.m. in Courtroom 205A, 2nd Floor. Each party shall attend personally or by counsel who will try the case.

b. **Not less than thirty (30) days** prior to the date of the pretrial conference, all counsel or parties shall meet and fulfill the requirements of Civil Local Rule 16-10(b).

c. **Not less than twenty (20) days** prior to the pretrial conference, counsel or parties shall

(i) serve and file a joint pretrial statement pursuant to Local Rule 16-10(b);

The pretrial statement shall include the disclosures required by Fed. R. Civ. P. 26(a)(3) as well as the following:

THE ACTION

Substance of the Action

Relief Prayed

1 FACTUAL BASIS FOR THE ACTION

2 Undisputed Facts

3 Disputed Factual Issues

4 Agreed Statement

5 Stipulations

6 DISPUTED LEGAL ISSUES

7 (List)

8 TRIAL PREPARATION

9 Witnesses to be Called

10 Exhibits, Schedules and Summaries

11 Trial

12 Estimate of Trial Time

13 Use of Discovery Responses at Trial

14 Further Discovery or Motions

15 TRIAL ALTERNATIVES AND OPTIONS

16 Settlement Discussions

17 Amendments - Dismissals

18 Bifurcation, Separate Trial of Issues

19 MISCELLANEOUS

20 Any other concerns of the parties

21 d. At the same time that the parties file their joint pretrial statement they shall also:

22 (ii) Serve and file trial briefs, which shall specify each cause of
23 action and defense remaining to be tried along with a
24 statement of the applicable legal standard (no opposition
25 shall be filed);

26 (iii) Serve and file motions in limine which shall be contained in one
27 document. Motions in limine will be decided at the Pretrial Conference.

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e. Serve and file a list of excerpts from discovery that will be offered at trial, specifying the witness, page and line references and whether the excerpt is to be offered in lieu of testimony or as impeachment;

f. Serve and file a list of witnesses likely to be called at trial, in person or by deposition, other than solely for impeachment or rebuttal, with a brief statement describing the substance of the testimony to be given;

g. Serve and file a numerical list of exhibits (including demonstrative exhibits that may be admitted into evidence but not those that are purely illustrative), with a brief statement describing the substance and purpose of each exhibit and the name of the sponsoring witness;

h. Exchange exhibits which shall be premarked, tabbed and in binders (plaintiff shall use numbers and defendant shall use letters); and deliver the original and two duplicate sets of all premarked exhibits to chambers (exhibits are not to be filed) at least one week before trial.

(See Label)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. _____

Exhibit No. _____

Date entered: _____

RICHARD W. WIEKING, Clerk

By: _____

Deputy Clerk

i. Serve and file proposed joint voir dire questions and joint jury instructions for cases to be tried by jury (further instructions regarding jury instructions below).

j. Serve and file proposed findings of fact and conclusion of law for cases to be tried by the court.

k. Serve and file a proposed verdict form which contains no reference to submitting

1 party.

2 l. **Two courtesy copies** of trial briefs and motions in limine shall be provided.

3 m. No party shall be permitted to call any witness or offer any exhibit in its case in chief
4 that is not disclosed in these pretrial filings without leave of court and for good cause.

5 7. **Not less than ten days** prior to the pretrial conference, counsel or parties shall
6 serve and file any opposition or objection to those items required by section 3(e),(f), (i) (j), (k)
7 and (l) of this order. Additionally, counsel or parties shall file any objections to the
8 qualifications of expert witnesses contained in the opposing party's witness list. Objections not
9 filed as required will be deemed waived. No replies shall be filed. All motions and objections
10 shall be heard at the pretrial conference unless otherwise ordered.

11 8. JURY TRIAL

12 a. Counsel shall submit an **agreed upon set** of additional voir dire questions
13 to be posed by the court. Any voir dire questions on which counsel cannot agree may be
14 submitted separately. Counsel will be allowed brief follow-up voir dire after the court's
15 questioning.

16 b. The following jury instructions from the Manual of Model Civil Jury Instructions
17 for the Ninth Circuit (1997 Edition) will be given absent objection: 1.01 - 1.12, 2.01 - 2.02,
18 3.01 - 3.03, 3.05 -3.08. The Ninth Circuit Manual of Model Jury Instructions is available on the
19 website for the U.S. District Court for the Northern District of California at
20 www.cand.uscourts.gov. Click on the 9th Circuit home page button at the lower left of the first
21 screen and then choose the Manual from the list on the right hand side of the next screen.
22 Counsel shall submit an agreed upon set of case specific instructions, using the Ninth Circuit
23 Manual where appropriate. Do not submit duplicates of those listed above. Any instructions
24 on which counsel cannot agree may be submitted separately. Each requested instruction shall
25 be typed in full on a separate page with citations to the authority upon which it is based and
26 a reference to the party submitting it. A **second blind copy** of each instruction and verdict
27 form shall also be submitted omitting the citation to the authority and the reference to the
28 submitting party.

9. All documents filed with the Clerk of the Court shall list the civil case number followed by the initials NJV. One copy shall be clearly marked **chambers** copy.

DATED: 5/2/06



NANDOR J. VADAS
United States Magistrate Judge